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Via ECF

Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Elizabeth “Betsy” Combier v. Francesco Portelos, et. al.,
17-CV-02239 (KAM)(RLM)

Dear Judge Matsumoto:

Yesterday I received via email the opposition of the City Law Department to a pre-trial conference in the case 17-cv-02239. I called the clerk of the court who told me about your order giving me and the Defendants in my previously filed and now closed matter until January 28, 2022 to respond to Celli’s request for a Conference. I am submitting my response herein, which is that I oppose this case moving forward and ask for complete dismissal.

Before yesterday I had not seen nor was I sent a copy of your order, and the content was not posted on PACER.gov. I was not properly served Celli’s Complaint nor his request for a conference. This Court has no jurisdiction to proceed with Celli’s so-called “Motion”, for lack of a better word.

I am not an attorney, but I did do legal research into this and I can say that I believe you unequivocally do not have jurisdiction to proceed to a Pre-trial Conference nor to any further action in this matter other than to terminate the above captioned case and sanction Lucio Celli.

I was the pro se Plaintiff in the case brought to this Court as 17-CV-02239 (FB)(RLM) and 17-cv-02239 (MKB)(RLM) which was terminated on 9/29/2018 (See Docket ##144,145). The gravamen of my Complaint was the hacking of my blog and the continued altering of domain names to harass me.

The caption for the now closed case:

“ELIZABETH BETSY COMBIER,
Plaintiff,

v.

FRANCESCO PORTELOS, LUCIO CELLI,
BRYAN GLASS, ESQ., JORDAN HARLOW,

ESQ., CARMEN FARINA, Chancellor of the
New York City Department of Education, NEW
YORK CITY DEPARTMENT OF
EDUCATION, all sued individually and
officially,

Defendants”

The judgment stated:

“ORDERED and ADJUDGED that the SAC is dismissed with prejudice; that Celli’s counterclaims are dismissed; and that Celli’s motions are denied with respect to Plaintiff’s stated damages and sealed documents.”

After my case was closed, I appealed the decision to the Court of Appeals, (18-cv-3230) where the case was dismissed and a mandate issued on 9/29/2019.

On July 22, 2021, my lawyer filed in NY State Supreme Court a Summons and Complaint for defamation against Francesco Portelos, Angela Portelos, and UFT Solidarity. See Combier v Portelos et al., Index no. 156880/2021:

ELIZABETH “BETSY” COMBIER,
Plaintiff,
-against-

Index No. 156880/2021

FRANCESCO PORTELOS, ANGELA PORTELOS,
LYDIA HOWRILKA (Teachers) UFT SOLIDARITY ,
“JOHN DOE AND JANE DOE #1-100” said names being
fictitious/anonymous, it being the intent of Plaintiff to designate
any and all individuals, officers, members, agents, servants,
and/or employees of the aforementioned agencies, groups and/or
individuals who have joined in defamation and harassment of
Plaintiff, individually and jointly and severally, all individually
and officially named,

Defendants.

In the above State case I am requesting relief for defamatory comments I viewed on July 24, 2020 after an educator/friend sent me the link to an online poster citing me for criminal acts that were never true. These acts were described by Defendants as “facts”, not allegations or opinions. Lucio Celli, not a party in the State case, cannot use a computer as he was barred by the agreement with the USA/AUSA, following his guilty plea for threatening to kill Judges Margo Brodie and Brian Cogan in November 2018. Therefore I did not sue him in that case. Celli cannot move the case to Federal Court where it does not belong, again for jurisdictional reasons. The State case was not filed against Lucio Celli because the prohibition against his using a computer let him off the hook for liability in promoting and publishing the online posting of the new defamatory poster. Also, it is clear that Lucio Celli’s papers are irrational, rambling and incomprehensible, and the only purpose of suing him would be to create more chaos than there already is on the Court Dockets. It is clear that the captions are different, which does not bother Celli, who makes up captions and puts names into the box randomly and arbitrarily.

Celli writes that I stole from my nonprofit - which supposedly owns the website Parentadvocates.org – in order to illegally make a profit without any legal authority. Celli wants me to be prosecuted for not paying taxes on my alleged income. These so-called “facts” are absolutely false, and Celli knows it. Not only is he making false statements, but if I had committed such a heinous act, I would have been prosecuted quickly by the IRS. My accountant has not been contacted by the IRS. He files all tax forms in a timely fashion. My income comes from the work I do as CEO of Advocatz, a for-profit company not connected to my charity the E-Accountability Foundation nor the “A For Accountability Award” highlighted on Parentadvocates.org. Celli did not, it seems, read the Disclaimer at the bottom of the home page. He should have done that.

Approximately ten days after the Defendants in the State Supreme Court case were served the Summons and Complaint on October 13, 2021, Celli called my Attorney and told him that he must let me know that he was filing an Answer, and I would be given a date to respond. My lawyer did relay the information to me, but is not working on the case discussed herein in Federal Court. Celli’s excuse for calling my attorney was, “Betsy never picks up her telephone or returns my calls”.

On November 8, 2021 Celli called my home from his mother’s phone “CELLI, FERNANDA” (718)547-9675. He left a message threatening me with dire consequences if I did not move my case to Federal Court, and told me that both he and the AUSA knew I was stealing from my nonprofit, and that I was a criminal, a liar, and a thief. He demanded that I call him back. I did not do so.

On November 10, 2021 Lucio Celli filed the exact same papers as submitted here, titled “Answers To Betsy’s Lawsuit” at the Court of Appeals (USDC NYED Index number “17-cv-02239; COA Docket #18-3230, entry #135) but changed the caption to read “Elizabeth Combier, Appellant/Petitioner”, and the Defendants became “Appellee/Respondent”. He also submitted a “Motion Information Statement” with the 18-3230 number, now with a caption “Celli v Combier”. The Court of Appeals issued a “NOTICE OF NON-JURISDICTION” (Docket #136-1) dated November 16, 2021, and returned the papers to Celli (Docket #136). I am asking your Honor to do the same with the papers filed in your Court on November 10, 2021.

Indeed, Celli filed the same arguments against me, Randi Weingarten, and Judges and personnel of this Court in cases with Index numbers:

17-cv-00234
18-cv-03230
21-mc-01760
15-cv-03679
17-cv02239
19-cr-00127

“Answers To Betsy’s Lawsuit” is in most of them, with different captions. Finally, I adopt the statements made by the City Law Department in their opposition to your proceeding with any actions in this case. They wrote,

“This action was thus closed and without activity until Mr. Celli’s recent filings beginning in November 2021. In fact, Mr. Celli’s request for a pre-motion conference is related to an “Answer to Betsy’s Lawsuit,” filed on November 11, 2021 at Dkt. No. 148, and a “Motion to Dismiss Betsy Combier’s Complaint and for the AUSA to Collect Taxes from her with a Motion to Transfer this to federal court,” filed also on November 11, 2021 at Dkt. No. 149. City Defendants are confused by Mr. Celli’s submissions, given the procedural history of this action as described above. It seems possible that Mr. Celli is attempting to remove a separate state court action (*see* “Answer,” Dkt. No. 148 at 1; “Motion to Dismiss,” Dkt. No. 149 at 1), but he has failed to provide the relevant state court papers, if that is indeed his intent. Of course, Mr. Celli has also failed to comply with the removal requirements set forth in 28 U.S.C. §§ 1441 and 1446, and should not be allowed to tack on a removal request concerning a separate lawsuit to the above-captioned, now-terminated action.”

I agree. Please add to this argument that I respectfully request that you deny Celli’s application against me and terminate this action permanently and in its’ entirety.

Thank you for your attention and consideration,

Respectfully,

_____/s/_____
Elizabeth “Betsy” Combier
CEO, Advocatz

cc: **Pro Se Desk**

cc: **Via U.S. Mail**

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